

**REAL ESTATE COMMISSION**

PROFESSIONAL & VOCATIONAL LICENSING DIVISION  
DEPARTMENT OF REGULATORY AGENCIES

STATE OF HAWAII  
1010 RICHARDS STREET  
P. O. BOX 3469  
HONOLULU, HAWAII 96801

**FINAL  
HORIZONTAL PROPERTY REGIMES (CONDOMINIUM)  
PUBLIC REPORT**

on  
KIAHUNA  
Poipu Beach Road  
Koloa, Kauai, Hawaii

REGISTRATION NO. 485

**IMPORTANT — Read This Report Before Buying**

**This Report Is Not an Approval or Disapproval of This Condominium Project**

It reflects information obtained by the Real Estate Commission in its investigation of the project. This report, based on a principle of disclosure, is issued by the Commission for the purpose of preventing fraud, misrepresentation or deceit.

The developer shall not enter into a binding contract or agreement for the sale of any unit in a Condominium Project until

- (1) A copy of this Report has been given to the prospective purchaser,
- (2) The latter has been given an opportunity to read same, and,
- (3) His receipt taken therefor.

Issued: March 15, 1973  
Expires: April 15, 1974

SPECIAL ATTENTION

A comprehensive reading by the prospective purchaser is urged in order that personal requirements and expectations to be derived from the property can be ascertained. The attention of the prospective purchaser is particularly directed to the following:

THIS REPORT REFLECTS INFORMATION DISCLOSED IN THE REQUIRED NOTICE OF INTENTION DATED SEPTEMBER 15, 1972, AND ADDITIONAL INFORMATION SUBMITTED AS OF MARCH 12, 1973. THE DEVELOPER, IN NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF CHAPTER 514, HAWAII REVISED STATUTES.

1. Kiahuna is a leasehold condominium project consisting of six (6) buildings, one building containing one (1) story and five (5) buildings containing two (2) stories, and containing a total of twenty-nine (29) apartments. There will be twenty-nine (29) unreserved parking stalls available on the project site.

2. The Developer of the project has filed all documents and materials deemed necessary by the Commission for the registration of this proposed condominium project and the issuance of this Final Public Report.

3. The Developer of the project reports that the basic documents (Declaration of Horizontal Property Regime, with By-Laws of the Association of Apartment Owners attached, and a copy of the approved Floor Plans) have been filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii.

The Declaration of Horizontal Property Regime, dated January 31, 1973, with the By-Laws attached, was filed in the Office of the Assistant Registrar as Land Court Document No. 618972, with Condominium Map No. 158.

4. No advertising or promotional matter has been filed pursuant to the rules and regulations promulgated by the Commission.

5. The purchaser or prospective purchaser is advised to acquaint himself with the provisions of the Horizontal Property Act, Chapter 514 of the Hawaii Revised Statutes, and the Condominium Rules and Regulations which relate to Horizontal Property Regimes.

6. This Final Public Report automatically expires thirteen (13) months after the date of issuance, March 15, 1973, unless a Supplementary Public Report issues or the Commission, upon review of the Registration, issues an order extending the period of this report.

NAME OF PROJECT: KIAHUNA.

LOCATION: The 2.9 acres of lease land committed to the project is situated at Poipu Beach, Koloa, Kauai, Hawaii.

TAX MAP KEY: 2-8-17: 9, 10, 11 and 22.

ZONING: Apartment-hotel.

DEVELOPER : MOANA DEVELOPMENT CORPORATION, a California corporation, the principal place of business and post office address of which is 310 Sansome Street, San Francisco, California. The officers of the Developer are: Robert L. Harmon, President, Douglas F. Williams, Vice President, Donna G. Sidelinger, Secretary, and Leo Jeffers, Treasurer/Assistant Secretary, all of whose address is 310 Sansome Street, San Francisco, California.

ATTORNEY REPRESENTING DEVELOPER: Conroy, Hamilton, Gibson, Nickelsen & Rush (Attention: Dwight M. Rush and Ken Harimoto), 20th Floor Hawaii Building, 745 Fort Street, Honolulu, Hawaii 96813; Phone 521-2611.

DESCRIPTION: The Declaration of Horizontal Property Regime and plans submitted by the Developer indicate that the project consists of six (6) buildings, without basements, constructed principally of redwood and cedar exteriors and cedar shingle roofs, one (1) building containing one (1) story and the remainder containing two (2) stories,

designated Buildings 1, 2, 3, 4, 5 and 6. There will be twenty-nine (29) separate freehold estates in the spaces within the perimeter walls, floors and ceilings of each of the 29 apartment units of the project, which spaces, together with appurtenant lanais, if any, are referred to herein as "beachhouses", and are designated on said plans and described as follows:

(a) Beachhouses 1, 2 and 3 are located in Building 1; Beachhouses 4 and 7 are located on the first and second floors of Building 2; Beachhouse 5 is located on the first floor of Building 2; Beachhouse 6 is located on the second floor of Building 2; Beachhouses 8, 10 and 12 are located on the first floor of Building 3; Beachhouses 9, 11 and 13 are located on the second floor of Building 3; Beachhouses 14, 16 and 18 are located on the first floor of Building 4; Beachhouses 15, 17 and 19 are located on the second floor of Building 4; Beachhouses 20 and 23 are located on the first and second floors of Building 5; Beachhouse 21 is located on the first floor of Building 5; Beachhouse 22 is located on the second floor of Building 5; Beachhouses 24, 26 and 28 are located on the first floor of Building 6; Beachhouses 25, 27 and 29 are located on the second floor of Building 6.

(b) The beachhouses are constructed according to three (3) different floor plans designated A, B and C. Each beachhouse contains the number of rooms and approximate floor area according to its respective floor plan, which plan constitutes a part of said project plan, as follows:

(1) Floor Plan A: Beachhouses 1, 2, 3, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 24, 25, 26, 27, 28 and 29 each contains 1 bedroom, 1 bathroom, a living area, dining area, kitchen, storage closet, an entry lanai and a lanai, with a total floor area of approximately 880 square feet, including the lanais.

(2) Floor Plan B: Beachhouses 4, 7, 20 and 23 are 2-story apartments, built according to Floor Plan B and each contains 2 bedrooms, 2 bathrooms, an entry lanai and a lanai on the lower floor, and a living area, dining area, kitchen and deck on the upper floor, with a total area of approximately 1,584 square feet, including the lanais and deck.

(3) Floor Plan C: Beachhouses 5, 6, 21 and 22 are built according to Floor Plan C and each contains 1 bedroom, 1 bathroom, living area, dining area, an efficiency kitchen, an entry lanai and a lanai, with a total area of approximately 800 square feet, including the lanais.

(c) Each of the beachhouses has immediate access to the ground of the project and walkways connecting the building in which it is located to the street entrance and parking areas of the project.

(d) The respective beachhouses shall not be deemed to include the undecorated or unfinished surfaces of the perimeter walls or interior load-bearing walls, the floors and ceilings surrounding each beachhouse or any pipes, wires, conduits or other utilities or service lines running through such beachhouses which are utilized for or serve more than one beachhouse, the same being deemed common elements as

hereinafter provided. Each beachhouse shall be deemed to include all the walls and partitions which are not load bearing within its perimeter walls, the inner decorated or finished surfaces of all walls, floors and ceilings, doors and door frames, windows and window frames, the exterior air space bounded by the interior of the lanai railing, and all fixtures originally installed, including a built-in range and oven, refrigerator, dishwasher, sink and water heater in beachhouses constructed according to Floor Plans A and B, and a built-in kitchen unit and water heater in beachhouses constructed according to Floor Plan C.

COMMON ELEMENTS: The Declaration designates one freehold estate in all remaining portions of the project, therein called the "common elements", including specifically but not limited to:

1. Said land in fee simple;
2. All foundations, columns, beams, supports, load-bearing walls, roofs, chases, entry halls, stairs, walkways, entrances and exits of the buildings of the project;
3. All yards, grounds, landscaping, refuse and service areas, and trash disposal equipment;
4. All pipes, cables, conduits, ducts, electrical equipment, wiring and other central and appurtenant transmission facilities and installations over, under and across the project which serve more than one beachhouse for services such as power, light, gas, water, sewer, telephone and television signal distribution, if any;
5. Any and all other apparatus and installations of common use and all other parts of the property necessary or convenient to its existence, maintenance and safety, or normally in common use.

LIMITED COMMON ELEMENTS: The Declaration states that the project contains no limited common elements.

INTEREST TO BE CONVEYED TO PURCHASERS: The Declaration states that each apartment shall have appurtenant thereto an undivided 1/29 fractional interest in the common elements of the project. Such interest is hereby defined and referred to herein as the "common interest". The proportionate shares of the profits and common expenses of the project and the proportionate representation for voting purposes in the Association of Apartment Owners of the project, shall be in said fractional interest for each apartment.

PURPOSE OF BUILDING AND RESTRICTIONS AS TO USE: The Declaration provides that the apartments shall be occupied and used as private dwellings by the respective owners thereof, their tenants, families, domestic servants and personal guests, including resort hotel use and for no other purpose.

SPECIAL NOTE: RECIPROCAL USE OF GROUNDS OF PROJECT: Purchaser's attention is directed to Paragraph "O" of the Declaration wherein it is stated that the Developer possesses a leasehold interest in land surrounding that which constitutes the site of the project and that the apartments in the project and each of said future

increments shall have the right appurtenant thereto to use all of the common elements of the project hereby created and the common elements of such future increments, excluding, however, such as shall be located within the buildings of the project and said future increments to the same extent and subject to the same limitations as are imposed upon an apartment of the project constituted by the Declaration. It is understood and agreed that such right to use the common elements shall be in the nature of an easement and each person upon whom the Declaration is binding agrees, and shall agree, by the mere acquisition, rental or occupancy of any apartment of the project.

OWNERSHIP OF TITLE; The Developer in its Notice of Intention represents that the owners of the fee simple title to the property committed to the project are First Hawaiian Bank and Valdemar L'Orange Knudsen as Trustees under Deed of Trust of Eric A. Knudsen, dated April 30, 1922 and Bishop Trust Company, Limited as Trustee under Deed of Trust of Augustus F. Knudsen, dated December 22, 1924. The Developer has arranged for the issuance by the owners of individual apartment leases to purchasers of apartments.

ENCUMBRANCES AGAINST TITLE: A lien letter report dated February 28, 1973, issued by Title Guaranty of Hawaii Incorporated, as submitted to the Commission, provides that the following are encumbrances against title to the property:

1. Designation of Easement C as shown on Map 1 filed with Land Court Consolidation No. 125, and as set forth by Land Court Order No. 35148.
2. Grant dated May 28, 1962, filed as Land Court Document No. 292520 in favor of The County of Kauai, granting easement to maintain, etc., an underground water pipeline.
3. Designation of Easement 2, as shown on Map 35, as set forth by Land Court Order No. 27140, filed June 8, 1967.
4. Grant dated July 19, 1968, filed as Land Court Document No. 464369 in favor of Hawaiian Telephone Company and Kauai Electric Company, Limited, granting easement for utility purposes over Easement 2.
5. Decree in Land Court Application No. 1801 does not and shall not be deemed to adjudicate and shall be without prejudice to any of the claims of Grove Farm Company, Limited to water or water rights with respect to a portion of Lot 1-A of the land therein registered, which claims have been theretofore made by said Grove Farm Company, Limited in its answer filed in Land Court Application No. 1801.
6. A reservation of all mineral and metallic mines of every description in favor of the Hawaiian Government, so far as that portion of Lot 1 is concerned that originally was a part of Land Court Application No. 1801.
7. Mortgage on the land under search, besides other land dated April 10, 1972 in favor of First Hawaiian Bank, filed in said Office of the Assistant Registrar as Document No. 581225.

8. Lease dated April 15, 1972, made by and between First Hawaiian Bank, Valdemar L'Orange Knudsen, Trustees under that certain Deed of Trust dated April 30, 1922, and Bishop Trust Company, Limited, Trustee under Deed of Trust dated December 22, 1924, as "Lessor", and Moana Development Corporation, a California corporation, as "Lessee", filed in the Office of the Assistant Registrar as Document No. 618968, for a term of 77 years from April 15, 1972.

9. Declaration of Horizontal Property Regime dated January 31, 1973, filed as Document No. 618972, and the By-Laws attached thereto. Condominium Map No. 158.

10. The following encumbrances as set forth in that certain Lease dated April 15, 1972, filed as Document No. 618968, to-wit:

a. Letter agreement between First Hawaiian Bank and Valdemar L'Orange Knudsen, Trustees of the Eric A. Knudsen Trust, and Bishop Trust Company, Limited, Trustee of the Augustus F. Knudsen Trust, and the Clifford Kimball Trust dated December 26, 1961.

b. That certain agreement between First Hawaiian Bank and Valdemar L'Orange Knudsen, Trustees of the Eric A. Knudsen Trust, and Bishop Trust Company, Limited, Trustee of the Augustus F. Knudsen Trust, and Karin Aaser Latham, et al. dated June 9, 1962.

c. Letter of agreement between First Hawaiian Bank and Valdemar L'Orange Knudsen, Trustees of the Eric A. Knudsen Trust, and Bishop Trust Company, Limited, Trustee of the Augustus F. Knudsen Trust, and Mr. and Mrs. Hector Moir dated May 28, 1962.

11. For any Real Property Taxes that may be due and owing and a lien on the land under search, reference is hereby made to the Office of the Tax Assessor of the District in which said land is situated.

12. The law of the State of Hawaii with regard to high water mark.

PURCHASE MONEY HANDLING: A copy of the executed Escrow Agreement dated November 14, 1972, between First Hawaiian Bank, as "Escrow", and Moana Development Corporation, as "Seller", has been filed with the Commission. On examination, the executed Escrow Agreement, as well as the specimen Condominium Reservation Agreement, Deposit, Receipt and Contract, filed with the Commission is found to be in compliance with Chapter 514, Hawaii Revised Statutes. Among other provisions, the executed Escrow Agreement states that a purchaser shall be entitled to a refund of his funds, and Escrow shall pay said funds to said purchaser, without interest and less Escrow's \$10.00 cancellation fee, if purchaser shall in writing request refund of his funds and any one of the following shall have occurred: (1) Escrow receives a written request from the Developer to return to purchaser the funds of such purchaser then held hereunder; or (2) if the request is prior to the time the Final Public Report is issued, or if after such time, the Final Report differs in any material respect from the Preliminary Report, unless the purchaser has given written approval or acceptance of the differences; or (3) if the Final Report is not issued within one year from the date of issuance of the Preliminary Report. It is incumbent on the purchaser and prospective purchaser to read and understand the Escrow Agreement before signing

the Condominium Reservation Agreement, Deposit, Receipt and Contract, since the Escrow Agreement prescribed the procedure for receiving and disbursing purchasers' funds. The specimen sales agreement specifically provides that the purchaser approve said Escrow Agreement and assume the benefits and obligations therein provided.

MANAGEMENT OF THE PROJECT: The By-Laws which are incorporated in the Declaration provide that the operation of the project shall be conducted for the Association of Apartment Owners under the direction of the Board of Directors by a responsible managing agent. The initial managing agent will be Moana Development Corporation, the Developer.

STATUS OF PROJECT: The Developer has entered into a contract for construction of the project with Haas and Haynie. The construction contract, dated January 26, 1972, has been submitted to the Commission and constitutes a part of this registration. Construction of the project commenced on May 15, 1972 and is now substantially completed.

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The purchaser or prospective purchaser should be cognizant of the fact that this published report represents information disclosed by the Developer in the required Notice of Intention submitted September 15, 1972, and additional information subsequently filed as of March 12, 1973.

This is a FINAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT which is made a part of REGISTRATION NO. 485 filed with the Commission on September 15, 1972. This report when reproduced shall be a true copy of the Commission's Public Report. The paper stock used in making fascimiles must be white.

  
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(for) DOUGLAS R. SODEVANI, Chairman  
REAL ESTATE COMMISSION  
STATE OF HAWAII

**Distribution:**

Department of Taxation  
Bureau of Conveyances  
Planning Commission, County of Kauai  
Federal Housing Administration  
Escrow Agent

REGISTRATION NO. 485  
MARCH 15, 1973